

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Case No.: 2:18-cr-00156-JAD-NJK

Plaintiff

v.

Order Granting Request to Extend Self-Surrender Date but Denying Request for Recommendations to the Bureau of Prisons

Shawn Patrick Cody Dixon,

Defendant

[ECF No. 92]

In June of this year, I sentenced Defendant Shawn Patrick Cody Dixon to 41 months in prison, followed by three years of supervised release, after he pled guilty to conspiracy to distribute methamphetamine and being a felon in possession of a firearm.¹ Because the COVID-19 pandemic was then spiking in this nation's prisons, I gave Dixon a generous self-surrender deadline of January 4, 2021, to allow the Bureau of Prisons to sort out its pandemic-management issues and to permit Dixon to make arrangements for his family obligations and affairs.² Dixon now moves to further extend that self-surrender deadline, and he asks the court to recommend that the Bureau of Prisons (BOP) place him on house arrest or in a halfway house instead of sending him to the facility he's been designated to—1,200 miles from home.³ The government opposes these requests, noting that the court was already generous and that there will never be a convenient time for Dixon to begin serving his sentence.⁴

¹ ECF Nos. 46 (plea agreement); 83 (judgment).

² ECF No. 83.

³ ECF No. 92.

⁴ ECF No. 94 at 2.

1 I am persuaded that a brief extension of Dixon's self-surrender date is warranted. When I
2 initially imposed this sentence, I did raise concerns about prison management of the pandemic
3 and noted that delaying the commencement of Dixon's sentence could help protect him from
4 exposure. With the vaccine rollout plan beginning, and prisons likely to be part of that plan
5 soon, it appears that there is a light at the end of the tunnel for such facilities. Delaying Dixon's
6 self-surrender date by 30 more days will give the BOP additional time to coordinate such efforts.
7 Even if the vaccine has not reached Dixon's designated facility within those additional 30 days,
8 the extra time will likely aid in further management of the virus at the facility. And because I
9 have no information to suggest that Dixon has not been compliant on pre-surrender release, I do
10 not find that this brief delay will increase any risks to the public. So I grant Dixon's request in
11 part and extend his self-surrender date by 30 days to February 3, 2021.⁵ Because this is the
12 second extension of this deadline,⁶ this court is unlikely to further extend it, regardless of the
13 status of the pandemic or the needs of Dixon's family.

14 However, I am not persuaded to recommend that the BOP put Dixon on home
15 confinement or in a halfway house instead of the facility he has been assigned to. Dixon's
16 counsel vigorously argued for a probationary or hybrid sentence. Although I thoughtfully
17 considered that request and the myriad mitigation arguments that defense counsel raised, I did
18 not find appropriate anything less than a true custodial sentence—primarily because of the
19 seriousness of Dixon's offenses. I remain convinced that a custodial sentence is called for here,
20

21 ⁵ I recognize that Dixon's daughter has special needs. See ECF No. 93. I considered this fact
22 when imposing the original sentence and providing Dixon a generously long surrender date. I do
23 not find these circumstances to justify further extension or considerations.

⁶ The first extension was granted at sentencing; typical self-surrender dates are 90 days after
sentencing.

1 so I decline the request to recommend to the BOP anything beyond what I already have
2 recommended.

3 IT IS THEREFORE ORDERED that Dixon's Motion to Continue Self-Surrender Date
4 and for Recommendations to the Bureau of Prisons [ECF No. 92] is **GRANTED in part:**
5 **Dixon's self-surrender date is extended to February 3, 2021;** the motion is denied in all other
6 respects.

7 Dated: December 16, 2020

8 
9 _____
10 U.S. District Judge Jennifer A. Dorsey
11
12
13
14
15
16
17
18
19
20
21
22
23